

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**BNI Coal, Ltd.**  
**Revision 8, Permit BNCR-1101**  
**Application**

**Case No. RC-20-438**

**NOTICE OF INFORMAL CONFERENCE**

**Preliminary Statement**

On October 28, 2020, the Public Service Commission received the application for Revision No. 8 to Surface Coal Mining Permit BNCR-1101 from BNI Coal, Ltd. (BNI) for its Center Mine located southeast of Center, North Dakota in Oliver County. Revision No. 8 adds 2,661.04 acres to the existing permit in Sections 11, 14, 15, 16, 22, and 23, T141N, R84W, adds plans to mine the 320-acre federal coal tract located in the E½NE¼, the S½SW¼, and the SE¼ of Section 14, T141N, R84W, and proposes to modify the postmining topography for 1,211 acres in the existing permit area. The revision updates nearly every section of the permit.

The Commission received requests for an Informal Conference on the application from Brian Dresser on July 18, 2023, and David and Debra Berger on July 19, 2023, with concerns about coal mining operations being conducted within 500 feet of residences, and the lack of design plans in the permit for the haul road crossing 37<sup>th</sup> Avenue. Specific concerns include blasting damage to wells and buildings, possible at grade county road crossing, access, noise, dust control, and lack of communication from BNI on past agreements and future mining plans. Other topics may be added if any additional requests for an informal conference are submitted before the end of the public comment period on July 31, 2023.

**Notice of Informal Conference**

Notice is hereby given that the captioned matters are set for an Informal Conference, commencing at **9:00 a.m., CDT, on August 17, 2023, Public Service Commission Hearing Room, 12<sup>th</sup> Floor, State Capitol, Bismarck, North Dakota.**

If you require any auxiliary aids, such as readers, signers, or Braille materials, please notify the Commission, at (701) 328-2400, or Relay North Dakota TTY: 1-800-366-6888 at least 24 hours prior to the hearing.

**Issued: July 25, 2023**

**PUBLIC SERVICE COMMISSION**

  
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**Steve Kahl**  
**Executive Secretary**